



MONTGOMERY COUNTY ETHICS COMMISSION

Steven Rosen
Chair

Kenita V. Barrow
Vice Chair

September 7, 2018

Waiver 18-09-013

Pursuant to § 19A-12(b)(1)(B) of the Public Ethics Law, a public employee must not be employed by a business that negotiates or contracts with the County agency with which the public employee is affiliated, unless the Ethics Commission grants a waiver.

Shu Ming Tan is an Imaging Operator II at the Division of Central Services at the Montgomery County Department of General Services (DGS). He would like to engage in outside employment as a shop cleaner and record keeper at First Vehicle Services (FVS), an entity which contracts with DGS.

DGS has a contract with FVS for the cleaning of County Ride-On buses. In his County position, Ms. Tan works in the County record center, organizing records and scanning documents to be retained in digital format. In his capacity as an employee for FVS, he will be tasked with tracking maintenance of Ride-On buses at FVS facilities and touching up the buses. Mr. Tan holds no contracting responsibilities in his roles with either entity. The proposed outside employment with FVS is wholly separate from his County position.

Pursuant to § 19A-8(b)(3) of the Public Ethics Law, the Ethics Commission may grant a waiver of the prohibition of § 19A-12(b) if the Ethics Commission concludes that the proposed employment is not likely to create an actual conflict of interest. Upon a review of the request and the Department's concurrence in and support for the waiver request, the Commission finds that there is no actual conflict of interest. Pursuant to the standard of § 19A-8(b)(3), the Commission grants the waiver of the prohibition of § 19A-12(b).

The waiver is conditioned on Mr. Tan not working in his County capacity on matters involving any County contracts involving FVS and on his not representing FVS in its contractual dealings with DGS.

This waiver expires when the outside employment approval with which it is associated expires, unless a continuation request for outside employment is timely filed and subsequently approved by the Ethics Commission.

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In reaching this decision, the Commission has relied upon the facts as presented by Mr. Tan.

For the Commission:



Steven Rosen, Chair